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August 2, 2017

Kurt Simonsen
Associate Secretary
Public Utilities Board of Manitoba
400 – 330 Portage Avenue
Winnipeg, Manitoba R3C 0C4

Dear Mr. Simonsen:

RE: MANITOBA HYDRO 2017/18 AND 2018/19 GRA – INFORMATION REQUESTS

Pursuant to the timetable issued by the Public Utilities Board (PUB) as part of Order 70/17, Manitoba Hydro received Information Requests from the PUB and approved Intervenors on Monday July 24, 2017. The number of Information Requests (including sub-parts) received, broken down by Party, is as follows:

Information Requests by Party - Round I	
Public Utilities Board (PUB)	333
Consumers Association of Canada (Manitoba)/Winnipeg Harvest (COALITION)	809
Manitoba Industrial Power Users Group (MIPUG)	112
Green Action Centre (GAC)	139
Assembly of Manitoba Chiefs (AMC)	98
Manitoba Keewatinowi Okimakanak (MKO)	40
General Service Small and General Service Medium representatives (GSS/GSM)	16
Total	1547

The PUB emphasized its desire to improve regulatory efficiency since the outset of this process. It was the expectation of improved regulatory efficiency which allowed Manitoba Hydro to propose a timetable providing six weeks for the completion of first round Information Requests taking into account both the anticipated impact of the corporation's Voluntary Departure Program and that the process would occur during the summer vacation

period. Manitoba Hydro cautioned during the June 12, 2017 Pre-Hearing Conference that its ability to meet any timetable is dependent on the number of Information Requests being reasonable relative to the time provided for the provision of responses.¹

Order 70/17 provides Manitoba Hydro six weeks to respond to First Round Information requests. Manitoba Hydro can advise that it will not be possible to respond to all Information Requests in the allotted six weeks. The regulatory schedule is at risk.

Manitoba Hydro notes that Order 70/17 states that Intervenors are to collaborate amongst themselves and that it is incumbent on Intervenors to avoid duplication. Manitoba Hydro sees no evidence of collaboration having taken place with respect to preparation of the Information Requests that have been filed to date. The number of Information Requests submitted by the Coalition in particular shows a disregard for the PUB's objective of improving the efficiency of the regulatory process. Manitoba Hydro is of the view that 809 Information Requests from the Coalition is excessive and disproportionate to the number of Information Requests filed by other Parties.²

Given the volume of Information Requests and the time pressures in place, it is neither feasible nor efficient for Manitoba Hydro to conduct an evaluation of each individual Information Request at the outset to assess relevance and reasonableness and thereafter reach out to Intervenors in an effort to reach a compromise. There are simply too many Information Requests and the time to undertake such effort will only serve to divert time from responding to other Information requests.

Dealing with each Information Request by way of motion will also not assist in rescuing the regulatory schedule. Past experience has demonstrated that it takes as much and often more time to prepare a motion than it does to answer a questionable Information Request. Further, motions require subject matter experts divert time and attention from responding to Information Requests to assist counsel in preparing such a motion. Manitoba Hydro believes that focusing its efforts on responding to appropriate Information Requests is a better and more efficient use of staff time.

¹ June 12, 2017 Transcript page 230, line 22

² The Coalition has submitted 2.4 times more Information Requests than the PUB (333), and double the combined total of all other Intervenors (405). Manitoba Hydro does not believe rationalizations such as interest in a greater number of topics or an alleged need to delve into particular topics in greater detail can possibly account for this significant discrepancy, particularly given the PUB's Information Requests are intended to canvass all topics in the GRA.

There exist two available options:

1. Extend the timeline for the filing of responses to first round Information Requests to September 29, 2017 and adjust the remainder of the timetable accordingly; or,
2. Direct Intervenors to focus and consolidate their Information Requests with a view to substantially reducing the number of requests. The PUB may wish to go as far as placing a cap on the number of Information Requests per Intervenor to assist Intervenors in prioritizing their requests.

The latter option is consistent with the PUB's direction that it is incumbent on Intervenors to collaborate and avoid duplication. Off-loading this responsibility to Manitoba Hydro is inefficient, results in delays and increases the likelihood of disputes when questions considered critical to Intervenors are not answered.³ By way of example, the Assembly of Manitoba Chiefs, Manitoba Keewatinowik Okimakanak, the Coalition and Green Action Centre should immediately collaborate and focus Bill Affordability Information Requests. The Coalition and MIPUG should prioritize finance related Information requests. The PUB has retained an advisor to assist with asset condition and sustainment capital. The Coalition should be directed to work with the PUB's advisor to focus questions on this topic. In fact all parties should look to the PUB's Information Requests and assess whether their questions remain necessary.

Finally, Manitoba Hydro notes that the current deadline for the provision of responses to first round Information Requests is September 5, 2017. Typically, Manitoba Hydro files the majority of Information Requests by the deadline with a few in the days or weeks following, as they become available. Manitoba Hydro staff are diligently preparing responses to Information Requests however, regardless of effort and possible changes to the process, inevitably some responses will not be available until after the deadline. Manitoba Hydro requests the PUB's direction as to whether a Review and Vary application of Order 70/17 requesting an extension to the September 5th deadline is expected or whether past practice remains sufficient.

³ Manitoba Hydro notes that Rule 16 of the PUB's Rules of Practice and Procedure contemplates that a Party who is unable or unwilling to provide a response to an Information Request file and serve a response explaining why the response cannot be given. Waiting to deal with issues until the date responses are filed also puts the timetable at risk as it does not allow Parties the opportunity to identify critical Information Requests. Further, given the issue is the volume of requests and Manitoba Hydro's capacity to respond to same in the time allotted, preparation of a response explaining the reasons a response has not been provided does not address the issue at hand.

Should you have any questions with respect to the forgoing, please do not hesitate to contact the writer at 204-360-3946.

Yours truly,

MANITOBA HYDRO LEGAL SERVICES DIVISION

Per:



PATRICIA J. RAMAGE

Barrister and Solicitor

cc : All Approved Interveners
Odette Fernandes, Manitoba Hydro
Bob Peters, Board Counsel
Dayna Steinfeld, Board Counsel